

ENTERED

July 21, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JASYN ALEXANDER,	§
	§
Petitioner,	§
	§
VS.	§ CIVIL ACTION NO. 2:22-CV-00025
	§
BOBBY LUMPKIN-DIRECTOR TDCJ-	§
CID,	§
	§
Respondent.	§

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Petitioner seeks habeas relief on the basis of an alleged error in calculating his sentences that run consecutively. He contends that his first sentence ceased to operate when he was eligible for parole on that sentence, even though there was no decision that he would have been granted parole and released at that time, but for the second sentence that remained. This Court has rejected this argument on a number of occasions. *E.g.*, *McPherson v. Tex. Bd. of Pardons & Paroles*, No. 2:20-CV-186, 2020 WL 5506007, at *1 (S.D. Tex. Sept. 11, 2020) (citing *Byrd v. State*, 499 S.W. 3d 443, 447-48 (Tex. Crim. App. 2016)).

On March 29, 2022, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (D.E. 7), recommending that this action be dismissed under the screening provisions of Rule 4 of the Rules Governing Section 2254 Cases. She rejected Petitioner's argument, citing *Byrd*, because Petitioner's first sentence does not

cease to operate merely because Petitioner is eligible for parole, but requires that parole be granted, thus triggering the start of the second sentence.

Petitioner timely filed his objections (D.E. 8) on April 8, 2022. He reurges the same analysis that the Magistrate Judge properly rejected. Because he does not offer any new facts or legal authority requiring a different result, the objections are **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Petitioner's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this action is **DISMISSED**.

ORDERED on July 21, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE